

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

DARRELYN COX,

Plaintiff,

vs.

FRANCISCAN HEALTH SYSTEM, a
Washington corporation, d/b/a/ ST. JOSEPH
MEDICAL CENTER,

Defendants.

CASE NO.

NOTICE OF REMOVAL OF CIVIL
ACTION

Defendant Franciscan Health System, d/b/a St. Joseph Medical Center (hereinafter
“Franciscan” or “Defendant”) states as follows:

1. On January 8, 2015, Plaintiff Darrelyn Cox served both a summons and
complaint on Defendant. The Complaint, filed by Plaintiff in the State Court of Pierce
County, Washington, styled *Darrelyn Cox v. Franciscan Health System, a Washington
Corporation, d/b/a St. Joseph Medical Center*, Case No. 15-2-04939-4, contains claims for
alleged notice and leave violations under the Family and Medical Leave Act, 29 U.S.C.
§ 2601, et seq. (hereinafter “FMLA”), the Washington Family Leave Act, 49.78 RCW (the
“FLA”), the Washington Law Against Discrimination, 49.60 RCW (the “WLAD”), and the
Americans with Disabilities Act, 42 U.S.C. 12101 (the “ADA”). See Exhibit 1.

1 2. Plaintiff's Complaint raises federal question claims under the FMLA and the
2 ADA.

3 3. Accordingly, this Court has original jurisdiction over this action pursuant to 28
4 U.S.C. § 1331 because Plaintiff's claim raises federal questions. Specifically, Plaintiff's
5 claims involve federal law under the FMLA and the ADA. Therefore removal is appropriate.
6 See 28 U.S.C. § 1441(b) ("Any civil action of which the district courts have original
7 jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the
8 United States shall be removable without regard to the citizenship of the parties.").

9 4. Moreover, this Court has supplemental jurisdiction over Plaintiff's state FLA
10 and WLAD claims pursuant to 28 U.S.C. § 1367 because those claims are inextricably related
11 to the FMLA and ADA claims, and arise out of the same nucleus of operative fact.

12 5. Pursuant to 28 U.S.C. § 1446(a) a copy of all process, pleadings, and orders
13 served upon Defendant in this action have been attached as Exhibit 1.

14 6. Pursuant to 28 U.S.C. § 1446(b), the 30-day time limit within which Defendant
15 is required to file this Notice of Removal has not yet expired. Therefore, this Notice of
16 Removal is timely.

17 7. Pursuant to 28 U.S.C. § 1446(d), a Notice of Filing Notice of Removal of Civil
18 Action is being filed with the Clerk of the Superior Court for the State of Washington, Pierce
19 County, and is being served on Plaintiff, though her counsel of record, on the date of this
20 filing with the United States District Court for the Western District of Washington. See
21 Exhibit 2.

22 8. Defendant is the only Defendant in this lawsuit; therefore consent for removal
23 of this matter to Federal Court is not needed.

24 9. Intradistrict Assignment: This matter involves parties residing or having their
25 principal place of business in Pierce County and would appropriately have been assigned to
26 the Tacoma Division if filed initially in this Court.

1 WHEREFORE, Defendant Franciscan Health System respectfully requests that the
2 above action be removed from the Superior Court for the State of Washington, Pierce County
3 to this Court, and that this Court take jurisdiction of this action for the determination of all
4 removable issues, trial and judgment, to the exclusion of any further proceedings in the
5 Superior Court for the State of Washington, Pierce County.

6 DATED this _____ day of January, 2015.

7
8 BENNETT BIGELOW & LEEDOM, P.S.

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10 By / s/Michael Madden
11 Michael Madden, WSBA #8747
12 Rhianna Fronapfel, WSBA #38636
13 Attorneys for Defendants
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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the 27th day of January, 2015, the foregoing document was electronically filed through the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of Court will send email notification of such filing to the following persons:

Dwayne L. Christopher, WSBA #28892	<input type="checkbox"/>	Hand Delivered
Dwayne L. Christopher, PLLC	<input checked="" type="checkbox"/>	CM/ECF
4008 S. Pine Street	<input type="checkbox"/>	U.S. Mail
Tacoma, WA 98409	<input type="checkbox"/>	Email

James W. Beck, WSBA #34208	<input type="checkbox"/>	Hand Delivered
Daniel L. Richards, WSBA #47944	<input checked="" type="checkbox"/>	CM/ECF
Gordon Thomas Honeywell LLP	<input type="checkbox"/>	U.S. Mail
1201 Pacific Avenue, Suite 2100	<input type="checkbox"/>	Email
Tacoma, WA 98402		

Attorneys for Plaintiffs

Dated this 27th day of January, 2015, at Seattle, Washington.

By / s/Michael Madden
Michael Madden, WSBA #8747

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